

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY — TUESDAY, MAY 1, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 243).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Absent, Excused — Eiland; Hawley; Hilbert.

Absent — Yarbrough.

The invocation was offered by Rabbi Ralph McKlenburger, Beth-El Congregation, Fort Worth, as follows:

Eternal God, how blessed we are to be in this chamber, where the room echoes with the voices of the past and further history is made each day. How thankful we are for the sacred trust of doing the work of the citizens of this great state. Keep us mindful, O God, that when we work for the good of your children, we serve you, as well.

"Blessed are we mortals," said one of the sages of old, "for we are created in the image of God. And even more blessed are we," he went on, "in that we know we are created in the image of God!" (Avot 3:18). From the least to the greatest, with all our differences, every person is a child of the living God.

Help us, then, we pray, in this chamber, to rise above selfishness and partisanship. Imbue us with zeal for justice, but also with compassion. May we act on our ideals, and thus achieve the nobility of which we are capable! Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Hilbert on motion of Haggerty.

The following member was granted leave of absence for today to attend a funeral:

Hawley on motion of B. Turner.

CAPITOL PHYSICIAN

The speaker recognized Representative B. Turner who presented Dr. Robert Matthews of Eastland as the "Doctor for the Day."

The house welcomed Dr. Matthews and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Yarbrough now present)

(Sadler in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Keffer on motion of Christian.

**HR 797 - ADOPTED
(by Ellis)**

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 797**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 797, Honoring the 2001 Goodrich High School basketball team for winning the UIL Class 1A Division II boys' state basketball championship.

(Speaker in the chair)

HR 797 was read and was adopted without objection.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 797** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Ellis, who introduced the 2001 Goodrich High School basketball team, winners of the UIL Class 1A Division II boys' state basketball championship, and their coaches.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 40 and Senate List No. 19).

RULES SUSPENDED

Representative Ramsay moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider **HB 3695**.

The motion prevailed without objection.

**HR 904 - ADOPTED
(by Hill)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 904**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 904, Honoring the J. J. Pearce High School Concert Band for receiving a 2000 Sudler Flag of Honor Award.

HR 904 was adopted without objection

**HR 910 - ADOPTED
(by Hunter, Junell, B. Turner, Counts, and Gallego)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 910**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 910, Recognizing May 2001 as Texas Writers Month and honoring Elmer Kelton of San Angelo for his lifetime achievements.

HR 910 was read and was adopted without objection.

On motion of Representatives B. Turner and Junell, the names of all the members of the house were added to **HR 910** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hunter, who introduced Texas writer Elmer Kelton and his wife, Ann; and members of the Texas Writers Month Advisory Board, Garner and Linda Roberts, Liz Carpenter, Deborah Hamilton-Lynne, and Cary Roberts.

Mr. Kelton briefly addressed the house.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

RULES SUSPENDED

Representative Alexander moved to suspend the 5-day posting rule to allow the Committee on Transportation to consider **HB 3679** during the regular meeting upon adjournment.

The motion prevailed without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Saturday, May 5.

The motion prevailed without objection.

HB 3699 - PERMISSION TO INTRODUCE

Representative Ritter requested permission to introduce and have placed on first reading **HB 3699**.

A record vote was requested.

Permission to introduce was granted by (Record 244): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Hilbert; Keffer.

Absent — Bonnen; Driver; Goodman; Hartnett; Hodge; Kitchen; Krusee; Luna; Najera; Salinas.

STATEMENTS OF VOTE

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Bonnen

When Record No. 244 was taken, I was in the house but away from my desk. I would have voted yes.

Driver

HR 841 - ADOPTED**(by Smith)**

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 841**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 841, Honoring Bobby Baker for his dedication to the citizens of Euless.

HR 841 was adopted without objection.

HR 913 - ADOPTED**(by Smith)**

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 913**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 913, Honoring Mayor Mary Lib Saleh of Euless on her 70th birthday.

HR 913 was adopted without objection.

HR 911 - ADOPTED**(by Smith)**

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 911**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 911, Honoring Joseph Culver for his outstanding record of service and valuable contributions.

HR 911 was adopted without objection.

RULES SUSPENDED

Representative Hinojosa moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 340** today.

The motion prevailed without objection.

**HB 360 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Wise called up with senate amendments for consideration at this time,

HB 360, A bill to be entitled An Act relating to the abuse of a child.

On motion of Representative Wise, the house concurred in the senate amendments to **HB 360**.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 360** as follows:

In SECTION 1 of the bill, in amended Section 261.001(1), Family Code (Senate Committee Printing page 1, line 33), between "welfare" and the semicolon, insert ", including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code; or aggravated sexual assault under Section 22.021, Penal Code".

(2) Add the following appropriately numbered section to the bill and renumber the sections of the bill accordingly:

**HB 675 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Walker called up with senate amendments for consideration at this time,

HB 675, A bill to be entitled An Act relating to the selection and training of certain officers of certain water districts.

On motion of Representative Walker, the house concurred in the senate amendments to **HB 675** by (Record 245): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Hilbert; Keffer.

Absent — Danburg.

STATEMENT OF VOTE

When Record No. 245 was taken, I was temporarily out of the house chamber. I would have voted yes.

Danburg

Senate Committee Substitute

CSHB 675, A bill to be entitled An Act relating to the selection and training of certain officers of certain water districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 36, Water Code, is amended by adding Section 36.1561 to read as follows:

Sec. 36.1561. INVESTMENT OFFICER. (a) Notwithstanding Section 2256.005(f), Government Code, the board may contract with a person to act as investment officer of the district.

(b) The investment officer of a district shall:

(1) not later than the first anniversary of the date the officer takes office or assumes the officer's duties, attend a training session of at least six hours of instruction relating to investment responsibilities under Chapter 2256, Government Code; and

(2) attend at least four hours of additional investment training within each two-year period after the first year.

(c) Training under this section must be from an independent source approved by:

(1) the board; or

(2) a designated investment committee advising the investment officer.

(d) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapter 2256, Government Code.

(e) During January of each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the districts for which the person provided required training under this section during the previous calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

SECTION 2. Section 49.057(a), Water Code, is amended to read as follows:

(a) The board shall be responsible for the management of all the affairs of the district. The district shall employ or contract with all persons, firms, partnerships, corporations, or other entities, public or private, deemed necessary by the board for the conduct of the affairs of the district, including, but not limited to, engineers, attorneys, financial advisors, operators, bookkeepers, tax assessors and collectors, auditors, and administrative staff. ~~[The board may appoint an employee of a firm, partnership, corporation, or other entity with which the district has contracted to serve as the investment officer of the district under Section 2256.007, Government Code.]~~

SECTION 3. Subchapter E, Chapter 49, Water Code, is amended by adding Section 49.1571 to read as follows:

Sec. 49.1571. INVESTMENT OFFICER. (a) Notwithstanding Section 2256.005(f), Government Code, the board may contract with a person to act as investment officer of the district.

(b) The investment officer of a district shall:

(1) not later than the first anniversary of the date the officer takes office or assumes the officer's duties, attend a training session of at least six hours of instruction relating to investment responsibilities under Chapter 2256, Government Code; and

(2) attend at least four hours of additional investment training within each two-year period after the first year.

(c) Training under this section must be from an independent source approved by:

(1) the board; or

(2) a designated investment committee advising the investment officer.

(d) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapter 2256, Government Code.

(e) During January of each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the districts for which the person provided required training under this section during the previous calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

SECTION 4. Section 2256.008, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections [Subsection] (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections [Subsection] (b) and (e), attend an investment training session not less than once in a two-year period and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

SECTION 5. Section 49.054(d), Water Code, is repealed.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

HB 906 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bosse called up with senate amendments for consideration at this time,

HB 906, A bill to be entitled An Act relating to the continuation and functions of the Coastal Coordination Council.

On motion of Representative Bosse, the house concurred in the senate amendments to **HB 906**.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 906** as follows:

In SECTION 5, Subsection (3) (House Engrossment page 8, lines 8-10) strike "member [three regular members] of the council other than the director of the Texas A&M University Sea Grant Program agrees [agree]" and substitute "three members of the council other than the director of the Texas A&M University Sea Grant Program agree".

**HB 1130 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Rangel called up with senate amendments for consideration at this time,

HB 1130, A bill to be entitled An Act relating to the exemption of certain educational aides from the payment of tuition and fees at institutions of higher education and to the employment of those aides.

On motion of Representative Rangel, the house concurred in the senate amendments to **HB 1130** by (Record 246): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Hilbert; Keffer.

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

Amend **HB 1130** by striking Section 3, Subsection (a) on page 3 and substituting the following:

SECTION 3. (a) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

HB 1545 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Uher called up with senate amendments for consideration at this time,

HB 1545, A bill to be entitled An Act relating to the operation, regulation, administration, and financing of public institutions of higher education.

On motion of Representative Uher, the house concurred in the senate amendments to **HB 1545**.

Senate Committee Substitute

CSHB 1545, A Bill to be entitled An Act relating to financing of public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. PURCHASING

SECTION 1.01. Sections 51.9335(a)-(e), Education Code, are amended to read as follows:

(a) An institution of higher education [~~A medical and dental unit~~] may acquire goods or services by the method that provides the best value to the institution [~~unit~~], including:

- (1) competitive bidding;
- (2) competitive sealed proposals;
- (3) a catalogue purchase;
- (4) a group purchasing program; or
- (5) an open market contract.

(b) In determining what is the best value to an institution of higher education [~~a medical and dental unit~~], the institution [~~unit~~] shall consider:

- (1) the purchase price;
- (2) the reputation of the vendor and of the vendor's goods or services;
- (3) the quality of the vendor's goods or services;
- (4) the extent to which the goods or services meet the institution's [~~unit's~~] needs;

(5) the vendor's past relationship with the institution [~~unit~~];

(6) the impact on the ability of the institution [~~unit~~] to comply with laws and rules relating to historically underutilized businesses and to the procurement of goods and services from persons with disabilities;

(7) the total long-term cost to the institution [~~unit~~] of acquiring the vendor's goods or services; [~~and~~]

(8) any other relevant factor that a private business entity would consider in selecting a vendor; and

(9) the use of material in construction or repair to real property that is not proprietary to a single vendor unless the institution provides written justification in the request for bids for use of the unique material specified.

(c) The state auditor may audit purchases of goods or services by an institution of higher education or by a component of an institution of higher education that purchases goods and services [~~a medical and dental unit~~].

(d) To the extent of any conflict, this section prevails over any other law, including Chapters 2155, 2156, 2157, 2158, 2167 and 2170, Government Code, except a law or rule relating to contracting with historically underutilized businesses or relating to the procurement of goods and services from persons with disabilities. An institution of higher education may, but is not required to, acquire goods or services as provided by Chapters 2155, 2156, 2157, 2158, 2167 and 2170, Government Code.

(e) In this section, "institution of higher education" [~~"medical and dental unit"~~] has the meaning assigned by Section 61.003 and includes a school of veterinary medicine and a health care facility operated by a medical and dental unit, except that the term does not include The University of Texas M. D. Anderson Cancer Center, The University of Texas Medical Branch at Galveston, or a public junior college.

SECTION 1.02. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.966 to read as follows:

Sec. 51.966. INSURANCE COVERAGE. (a) The governing board of an institution of higher education may purchase insurance insuring the institution and its employees against any liability, risk or exposure and covering the losses of any institutional property.

(b) The governing board may pay the cost of any insurance from any funds of the institution.

(c) As used in this section, "governing board" and "institution of higher education" have the meanings assigned by Section 61.003 of this code.

SECTION 1.03. Subchapter B, Chapter 497, Government Code, is amended by adding Section 497.0211 to read as follows:

Sec. 497.0211. EXCEPTION: INSTITUTIONS OF HIGHER EDUCATION. This subchapter does not apply to an institution of higher education, as defined by Section 61.003, Education Code.

SECTION 1.04. Section 2155.067(b), Government Code, is amended to read as follows:

(b) The agency head or the presiding officer of the agency's governing body must sign the written justification. [~~For an institution of higher education, the individual designated by the president or governing body as purchasing officer for the institution may sign the written justification.~~]

SECTION 1.05. Section 2155.268(a), Government Code, is amended to read as follows:

(a) A state agency may not maintain and use its own bidders list. The prohibition of this subsection does not apply to the Texas Department of Transportation [~~or to an institution of higher education as defined by Section 61.003, Education Code, but an institution of higher education should use the master bidders list when possible~~].

SECTION 1.06. Sections 2155.133, 2155.134, and 2155.135, Government Code, are repealed.

ARTICLE 2. HUMAN RESOURCES

SECTION 2.01. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.961 to read as follows:

Sec. 51.961. LEAVE PROVISIONS FOR CERTAIN EMPLOYEES OF UNIVERSITY SYSTEM. (a) In this section:

(1) "Governing board," "medical and dental unit," and "university system" have the meanings assigned by Section 61.003.

(2) "Leave" includes vacation leave, sick leave, and holidays.

(b) The governing board of a university system may adopt a comprehensive leave policy that applies to employees working in a hospital or clinic of a medical and dental unit of the university system.

(c) A policy adopted under this section may combine vacation, sick, and holiday leave into a paid leave system that does not distinguish or separate the types of leave to be awarded and may award leave in an amount determined by the governing board to be appropriate and cost-effective.

(d) Chapters 661 and 662, Government Code, do not apply to employees covered by a policy adopted under this section. The policy must include provisions addressing the subject matter of each subchapter of Chapters 661 and 662, Government Code, and the intended effect of the policy on the rights, duties, and responsibilities of employees and the employing entity under those subchapters.

(e) A policy adopted under this section must include provisions for:

(1) payment for accrued leave to:

(A) the estates or heirs of deceased employees;

(B) employees separating from the employing entity; and

(C) contributing members of state retirement systems who retire; and

(2) awards of accrued leave to employees separating from the employing entity who are to be employed by other state agencies or institutions of higher education.

(f) A policy authorized by this section may include other matters as determined relevant and appropriate by the governing board.

(g) A policy authorized by this section must be adopted by a governing board in an open meeting of the board.

(h) Before implementing a policy adopted under this section, the governing board shall make reasonable efforts to enter into a memorandum of understanding with the office of the state auditor, the Employees Retirement System of Texas, and the Texas Higher Education Coordinating Board concerning awards of accrued leave for the purposes of retirement and other issues of concern related to the implementation of the policy.

(i) On or after September 15, 2005, the governing board of an institution of higher education may adopt a leave policy as provided by this section for employees of the institution.

SECTION 2.02. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.962 to read as follows:

Sec. 51.962. MERIT SALARY INCREASES. (a) An institution of higher education as defined by Section 61.003 may grant merit salary increases, including one-time merit payments, to employees described by this section.

(b) A merit salary increase made under this section is compensation for purposes of Chapter 659, Government Code, and salary and wages and member compensation for purposes of Title 8, Government Code.

(c) An institution of higher education may pay merit salary increases under this section from any funds.

(d) Before awarding a merit salary increase under this section, an institution of higher education must adopt criteria for the granting of merit salary increases.

(e) To be eligible for a merit salary increase under this section, an employee must have been employed by the institution of higher education for the six months immediately preceding the effective date of the increase and at least six months must have elapsed since the employee's last merit salary increase.

SECTION 2.03. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.963 to read as follows:

Sec. 51.963. EMPLOYEE WITH MULTIPLE APPOINTMENTS. A full-time employee of an institution of higher education as defined by Section 61.003 who has appointments to more than one position at the same institution may receive pay for working more than 40 hours in a week if the institution determines that pay in lieu of compensatory time is in the best interests of the institution.

SECTION 2.04. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.964 to read as follows:

Sec. 51.964. HIRING OF CERTAIN RETIREES. (a) An institution of higher education as defined by Section 61.003 may employ a person who has retired under the Teacher Retirement System (Subtitle C, Title 8, Government Code) or the optional retirement program (Chapter 830, Government Code) if:

(1) the governing board of the institution determines that the employment is in the best interests of the institution; and

(2) the person has been retired for at least one calendar year before the effective date of the employment, except that a person retired under the optional retirement program may be rehired after retirement without a break in service.

(b) The governing board may pay a person employed under this section an amount considered by the governing board to be appropriate, notwithstanding any other provision of law.

SECTION 2.05. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.965 to read as follows:

Sec. 51.965. EMPLOYEE NOTIFICATION. (a) If a state law requires an institution of higher education as defined by Section 61.003 to provide written notification to its officers or employees of any requirement, right, duty, or responsibility provided by state law, the institution may provide the notification by use of electronic media.

(b) An institution of higher education may adopt rules and guidelines to ensure that notification provided by electronic media under this section is effective and that any required notification is provided to officers and employees who do not have access to electronic media.

SECTION 2.06. Section 661.062(a), Government Code, is amended to read as follows:

(a) A state employee who, at any time during the employee's lifetime, has accrued six months of continuous state employment and who resigns, is dismissed, or otherwise separates from state employment by a state agency

other than an institution of higher education is entitled to be paid for the accrued balance of the employee's vacation time as of the date of separation, if the individual is not reemployed by the state in a position under which the employee accrues vacation leave during the 30-day period immediately following the date of separation from state employment. A state employee who, at any time during the employee's lifetime, has accrued six months of continuous state employment and who resigns, is dismissed, or otherwise separates from state employment by an institution of higher education is entitled to be paid for the accrued balance of the employee's vacation time as of the date of separation.

SECTION 2.07. The heading to Subchapter J, Chapter 659, Government Code, is amended to read as follows:

SUBCHAPTER J. PAYROLL REDUCTION OR
DEDUCTION FOR CERTAIN EMPLOYEE BENEFITS
~~[OF PARKING FEES AND PERMITS]~~
AT INSTITUTIONS OF HIGHER EDUCATION

SECTION 2.08. Section 659.202, Government Code, is amended to read as follows:

Sec. 659.202. PAYROLL REDUCTION OR DEDUCTION AUTHORIZED; USE OF FUNDS. (a) An employee of an institution of higher education may authorize in writing a reduction ~~[deduction]~~ each pay period from the employee's salary or wage payment for the payment of any fee or charge for parking, a parking permit, a transportation pass, or other qualified transportation benefit authorized under Section 132(f), Internal Revenue Code of 1986, as amended ~~[parking fees charged by the institution of higher education or for the purchase of a parking permit from an institution of higher education]~~. An authorization for a reduction ~~[deduction]~~ under this subchapter by the employee must be ~~[is]~~ voluntary. The institution shall determine which fee or charge an employee may pay under this subsection.

(b) An employee of an institution of higher education may authorize in writing a deduction each pay period from the employee's salary or wage payment for the payment of any fee or charge for parking or for a club membership, recreational sports membership, or similar activity or program. An authorization for a deduction under this subchapter by the employee must be voluntary. The institution shall determine which fee or charge an employee may pay under this subsection. ~~[Funds collected under this section may be used only to provide parking facilities for employees of the institution.]~~

SECTION 2.09. Subchapter J, Chapter 659, Government Code, is amended by adding Section 659.205 to read as follows:

Sec. 659.205. STATUS OF DEDUCTION OR SALARY REDUCTION. (a) If so designated by the employing institution of higher education, a salary deduction made by an employee under this subchapter shall be considered compensation under this chapter and salary and wages and member compensation under Title 8.

(b) If authorized by federal law, a salary deduction or salary reduction under this subchapter may be made on a pretax basis.

SECTION 2.10. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 (26 U.S.C. Section 125), if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e); ~~and~~

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, as added by Chapter 417, Acts of the 74th Legislature, 1995, except as provided by Subsection (c); ~~and~~

(6) stipends paid to teachers in accordance with Section 21.410, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659; and

(8) a merit salary increase made under Section 51.962, Education Code.

SECTION 2.11. Section 658.001, Government Code is amended to read as follows:

Sec. 658.001. DEFINITIONS. In this chapter:

(1) "Full-time state employee" means a person employed by a state agency who, if not participating in a voluntary work reduction program under Section 658.003, is required to work for the agency not less than 40 hours a week.

(2) "State agency" means:

(A) a board, commission, department, institution, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college; or

(B) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or other agency in the judicial branch.

SECTION 2.12. Section 659.002(b), Government Code, is amended to read as follows:

(b) In this section "state agency" means"

(1) a board, commission, department, office, or other agency that is in the executive branch of state government and that was created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college;

(2) the legislature or a legislative agency; or

(3) the supreme court, the court of criminal appeals, a court of appeals, the state bar, or another state judicial agency.

SECTION 2.13. Chapter 661, Government Code, is amended by adding Section 661.915 to read as follows:

Sec. 661.915. APPLICABILITY TO JUNIOR COLLEGES. The provisions of this chapter do not apply to a public junior college as defined by Section 61.003, Education Code.

ARTICLE 3. FINANCIAL MANAGEMENT

SECTION 3.01. Section 74.103, Education Code, is amended to read as follows:

Sec. 74.103. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and leases, for the exclusive use and benefit of the medical school. ~~[Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed.]~~

SECTION 3.02. Section 74.153, Education Code, is amended to read as follows:

Sec. 74.153. GIFTS AND GRANTS. The board may accept and administer, on terms and conditions satisfactory to it, grants and gifts tendered to it in aid of research and teaching at the medical school. The board may also accept from the federal government, any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, and money, for the exclusive use and benefit of the medical school. ~~[Before acceptance of gifts, grants, and donations of real property, the board shall secure the opinion of the attorney general on the title of the real property to be conveyed.]~~

SECTION 3.03. Section 2251.026, Government Code, is amended by adding Subsection (g) to read as follows:

(g) No interest accrues or may be paid under this section on a payment if the total amount of interest that would otherwise have accrued is equal to or less than \$5 and the payment is made from the institutional funds of an institution of higher education as defined by Section 61.003, Education Code.

SECTION 3.04. Subchapter Z, Chapter 51 of the Education Code, is amended by adding Section 51.967 to read as follows:

Sec. 51.967. LIMITATION ON EDUCATIONAL DEBT. No statute of limitations shall apply to a lawsuit, to the enforcement of a judgment, or to any other legal action to collect an educational debt owed to an institution of higher education or to the Texas Higher Education Coordinating Board.

SECTION 3.05. The change in law made by this article to Section 2251.026, Government Code, applies only to interest on a payment by an institution of higher education that becomes overdue under Chapter 2251, Government Code, on or after the effective date of this Act. Interest on a payment by an institution of higher education that becomes overdue under Chapter 2251, Government Code, before that date is governed by Section 2251.026, Government Code, as that section exists on the date the payment becomes overdue, and the prior law is continued in effect for that purpose.

SECTION 3.06. Section 66.08(h), Education Code, is amended to read as follows:

(h) The corporation;

(1) is subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et. seq., Vernon's Texas Civil Statutes); and

(2) is subject to the provisions of Chapter 551, Government Code (the open meetings law) that apply to the board of regents of the University of Texas System, except that the board of directors of the corporation:

(A) may discuss an investment or potential investment with one or more employees of the corporation or with a third party to the extent permitted to the board of trustees of the Texas growth fund under Section 551.075, Government Code; and

(B) is not subject to Section 551.121 or Section 551.125, Government Code, rather any director of the corporation may attend any meeting of the board of directors by telephone conference call provided that the telephone conference is audible to the public at the meeting location specified in the notice of the meeting during each part of the meeting that is required to be open to the public.

ARTICLE 4. REPORTING

SECTION 4.01. Section 2166.101, Government Code, is amended by adding Subsection (f) to read as follows:

(f) If information to be obtained from an institution of higher education, as defined by Section 61.003, Education Code, for inclusion in the report is also included in another report to be made by the institution of higher education to another state agency, the commission, the agency receiving the other report, and the institution of higher education shall enter into a memorandum of understanding concerning the information to be reported in order to enable the institution of higher education to provide the required information in the most cost-effective manner taking into account the costs to each affected agency. This subsection does not limit the authority of the state auditor to request and receive information directly from an institution of higher education.

SECTION 4.02. Section 2167.005, Government Code, is amended by adding Subsection (c) to read as follows:

(c) If information to be included in the report is also included in another report to be made by the institution of higher education to another state agency, the commission, the agency receiving the other report, and the institution of higher education shall enter into a memorandum of understanding concerning the information to be reported in order to enable the institution of higher education to provide the required information in the most cost-effective manner taking into account the costs to each affected agency.

ARTICLE 5. STRATEGIC PLANNING

SECTION 5.01. Section 2056.001, Government Code, is amended to read as follows:

Sec. 2056.001. DEFINITION. In this chapter, "state agency" means a department, board, commission, or other entity of state government, other than ~~[including]~~ a university system or ~~[and]~~ an institution of higher education as defined by Section 61.003, Education Code, that:

(1) has authority that is not limited to a geographical portion of the state;

(2) was created by the constitution or a state statute with an ongoing mission and responsibilities;

(3) is not the office of the governor or lieutenant governor;

(4) is not within the judicial or legislative branch of government; and

(5) is not a committee created under state law whose primary function is to advise an agency~~[-and~~

~~[(6) is not a state-funded junior or community college].~~

ARTICLE 6. OTHER FINANCIAL MATTERS

SECTION 6.01. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.5011 to read as follows:

Sec. 54.5011. CREDIT CARD FEES. (a) An institution of higher education that accepts payment of tuition, a fee, or other charge by credit card may charge the credit card user a fee for processing the payment.

(b) A fee charged under this section may not exceed the amount charged the institution by the issuer of the credit card in connection with the payment.

(c) Before accepting a payment by credit card, the institution shall notify the student of any fee to be charged under this section.

SECTION 6.02. Section 54.010, Education Code, as added by Chapter 1053, Acts of the 76th Legislature, Regular Session, 1999, is repealed.

ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1545** (Senate committee printing) as follows:

(1) On page 1, line 64, (Section 51.9335(e), Education Code) delete, "The University of Texas Medical Branch at Galveston".

(2) On page 7, line 58 (Section 54.010, Education Code) strike, "Chapter 1053" and substitute "Chapter 1558".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1545** by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Chapter 103, Education Code, is amended by adding Section 103.11 to read as follows:

Sec. 103.11. ACQUISITION OF MUSEUM. (a) The board may acquire by gift or donation a museum and any related property.

(b) The Texas Higher Education Coordinating Board shall include in the

funding formula applicable to the university funding for the operation and maintenance of a museum acquired under Subsection (a).

**HB 1664 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Alexander called up with senate amendments for consideration at this time,

HB 1664, A bill to be entitled An Act relating to certain regulations of the sale and operation of certain vehicles.

On motion of Representative Alexander, the house concurred in the senate amendments to **HB 1664** by (Record 247): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Brown, F.

Absent, Excused — Eiland; Hawley; Hilbert; Keffer.

Absent — Counts; Danburg; Flores; Goodman.

STATEMENTS OF VOTE

When Record No. 247 was taken, I was temporarily out of the house chamber. I would have voted yes.

Danburg

When Record No. 247 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

Senate Amendment No. 1 (Senate Committee Amendment No. 1)

HB 1664, as engrossed, is amended by deleting all language beginning with the word "amended" on page 5, line 10, and ending with and including the period on page 5, line 13, and by inserting the following after the word "is" on page 5, line 9: "repealed."

(Sadler in the chair)

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

SB 149 ON THIRD READING
(Hunter - House Sponsor)

SB 149, A bill to be entitled An Act relating to the colleges and universities eligible to participate in the tuition equalization grant program.

SB 149 was read third time on April 30 and was postponed until this time.

Amendment No. 1

Representative Hunter offered the following amendment to **SB 149**:

Amend **SB 149**, on third reading, by striking Amendment No. 2, second reading (Telford amendment).

Amendment No. 1 was adopted without objection.

SB 149, as amended, was passed.

(Speaker in the chair)

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bill was laid before the house and read third time:

HB 3343 ON THIRD READING
(by Sadler, et al.)

HB 3343, A bill to be entitled An Act relating to the operation and funding of certain group coverage programs for certain school and educational employees and their dependents.

HB 3343 was passed.

(Sadler in the chair)

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bill was laid before the house and read second time:

HB 2107 ON SECOND READING
(by S. Turner, Longoria, and Bailey)

HB 2107, A bill to be entitled An Act relating to the recovery of stranded costs and the crediting of negative stranded costs.

Amendment No. 1

Representative S. Turner offered the following amendment to **HB 2107**:

Amend **HB 2107** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 39.052(c), Utilities Code, is amended to read as follows:

(c) Notwithstanding any other provision of this title, during the freeze period the regulatory authority may not reduce the retail base rates of an electric utility, except as may be ordered as stipulated to by an electric utility in a proceeding for which a final order had not been issued by January 1, 1999. A credit ordered in accordance with Section 39.201(f) is not a reduction to retail base rates.

SECTION 2. Section 39.201(f), Utilities Code, is amended to read as follows:

(f) The expected competition transition charge shall be that as determined under Subsections (g) and (h) and as implemented under Subsections (i)-(l). If at any time before June 15, 2001, the commission determines that an electric utility that is subject to Section 39.254 does not have positive stranded costs based on a computation under Subsection (h), and would not have positive stranded costs if all mitigation were reversed, the electric utility shall discontinue using the mitigation tools that are allowed by this chapter and reverse all mitigation, including any positive differences identified under Section 39.257 for calendar year 2001. Depreciation redirection in accordance with Section 39.256 shall be discontinued effective December 31, 2000. The commission shall reflect the reversal of redirected depreciation in the electric utility's transmission and distribution rates. The commission shall order that mitigation attributable to positive differences identified under Section 39.257, including estimates of positive differences for calendar year 2001, and mitigation attributable to excess earnings identified in accordance with transition plans approved by the commission be applied as follows:

(1) 50 percent shall be applied as a nonbypassable credit to the electric utility's customers in calendar year 2001 as ordered by the commission; and

(2) 50 percent shall be applied as a credit against transmission and distribution charges over five years beginning January 1, 2002.

SECTION 3. Section 39.251(7), Utilities Code, is amended to read as follows:

(7) "Stranded cost" means the positive excess of the net book value of generation assets over the market value of the assets, taking into account all of the electric utility's generation assets, any above market purchased power costs, and any deferred debit related to a utility's discontinuance of the application of Statement of Financial Accounting Standards No. 71 ("Accounting for the Effects of Certain Types of Regulation") for generation-related assets if required by the provisions of this chapter. For purposes of Section 39.262, book value shall be established as of December 31, 2001, or the date a market value is established through a market valuation method under Section 39.262(h), whichever is earlier, and shall include stranded costs incurred under Section 39.263. For purposes of the true-up under Section 39.262, the computation of stranded costs may yield a negative value if the market value of the utilities' generation assets exceeds the net book value of those assets, and under those circumstances, the reconciliation of stranded cost shall fully recognize the negative value.

SECTION 4. Section 39.254, Utilities Code, is amended to read as follows:

Sec. 39.254. USE OF REVENUES FOR UTILITIES WITH STRANDED COSTS. This subchapter provides a number of tools to an electric utility to mitigate stranded costs. Each electric utility that was reported by the commission to have positive "excess costs over market" (ECOM), denoted as the "base case" for the amount of stranded costs before full retail competition in 2002 with respect to its Texas jurisdiction, in the April 1998 Report to the Texas Senate Interim Committee on Electric Utility Restructuring entitled "Potentially Strandable Investment (ECOM) Report: 1998 Update," must use these tools to reduce the net book value of, otherwise referred to as "accelerate" the cost recovery of, its stranded costs each year. Any positive difference under the report required by Section 39.257(b) shall be applied to the net book value of generation assets, except that if Section 39.201(f) applies, the positive differences shall be applied as ordered by the commission.

SECTION 5. Section 39.262(c), Utilities Code, is amended to read as follows:

(c) On or before ~~[After]~~ January 10, 2004, at a schedule and under procedures to be determined by the commission, each transmission and distribution utility, its affiliated retail electric provider, and its affiliated power generation company shall jointly file to finalize stranded costs under Subsections (h) and (i) and reconcile those costs with the estimated stranded costs used to develop the competition transition charge in the proceeding held under Section 39.201. Any resulting difference shall be applied to the nonbypassable delivery rates of the transmission and distribution utility, except that at the utility's option, any or all of the remaining stranded costs may be securitized under Subchapter G. An electric utility is not required to file to finalize and reconcile stranded costs under this section if the electric utility did not request to securitize regulatory assets under Subchapter G, agreed in a proceeding under Section 39.201 to relinquish all claims to a determination and true-up of stranded costs, and reversed all mitigation.

SECTION 6. Sections 39.262(h)(2) and (3), Utilities Code, are amended to read as follows:

(2) Stock Valuation Method. If, at any time after December 31, 1999, an electric utility or its affiliated power generation company has transferred some or all of its generation assets, including, at the election of the electric utility or power generation company, any fuel and fuel transportation contracts related to those assets, to one or more separate affiliated or nonaffiliated corporations, not less than 51 percent of the common stock of each corporation is spun off and sold to public investors through a national stock exchange, and the common stock has been traded for not less than six months ~~[one year]~~, the resulting average daily closing price of the common stock over 30 consecutive trading days chosen by the commission ~~[out of the last 120 consecutive trading days before the filing required under Subsection (c)]~~ establishes the market value of the common stock equity in each transferee corporation. The book value of each transferee corporation's debt and preferred stock securities shall be added to the market value of its assets. The market value of each transferee corporation's assets shall be reduced by the corresponding net book value of the assets acquired by each transferee corporation from any entity other than the affiliated electric utility or power generation company. The resulting market

value of the assets establishes the market value of the generation assets transferred by the electric utility or power generation company to each separate corporation. If not all assets are disposed of in this manner, the market value of the remaining assets shall be established by one or more of the other methods in this section.

(3) Partial Stock Valuation Method. If, at any time after December 31, 1999, an electric utility or its affiliated power generation company has transferred some or all of its generation assets, including, at the election of the electric utility or power generation company, any fuel and fuel transportation contracts related to those assets, to one or more separate affiliated or nonaffiliated corporations, at least 19 percent, but less than 51 percent, of the common stock of each corporation is spun off and sold to public investors through a national stock exchange, and the common stock has been traded for not less than six months [~~one year~~], the resulting average daily closing price of the common stock over 30 consecutive trading days chosen by the commission [~~out of the last 120 consecutive trading days before the filing required under Subsection (c)~~] shall be presumed to establish the market value of the common stock equity in each transferee corporation. The commission may accept the market valuation to conclusively establish the value of the common stock equity in each transferee corporation or convene a valuation panel of three independent financial experts to determine whether the percentage of common stock sold is fairly representative of the total common stock equity or whether a control premium exists for the retained interest. The valuation panel must consist of financial experts, chosen from proposals submitted in response to commission requests, from the top 10 nationally recognized investment banks with demonstrated experience in the United States electric industry as indicated by the dollar amount of public offerings of long-term debt and equity of United States investor-owned electric companies over the immediately preceding three years as ranked by the publications "Securities Data" or "Institutional Investor." If the panel determines that a control premium exists for the retained interest, the panel shall determine the amount of the control premium, and the commission shall adopt the determination but may not increase the market value by a control premium greater than 10 percent. The costs and expenses of the panel, as approved by the commission, shall be paid by each transferee corporation. The determination of the commission based on the finding of the panel conclusively establishes the value of the common stock of each transferee corporation. The book value of each transferee corporation's debt and preferred stock securities shall be added to the market value of its assets. The market value of each transferee corporation's assets shall be reduced by the corresponding net book value of the assets acquired by each transferee corporation from any entity other than the affiliated electric utility or power generation company. The resulting market value of the assets establishes the market value of the generation assets transferred by the electric utility or power generation company to each separate corporation.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

(Hilbert now present)

Representative Wolens moved to table Amendment No. 1.

The motion to table was withdrawn.

Amendment No. 2

Representative S. Turner offered the following amendment to Amendment No. 1:

Amend Floor Amendment by S. Turner for **HB 2107** as follows:

On page 7, line 8, Insert new SECTION 7 to read as follows and renumber appropriately:

If this Act is given immediate effect, the Texas Public Utility Commission shall, to the extent possible, apply the credits to customer bills for consumption in August of 2001.

A record vote was requested.

Amendment No. 2 failed of adoption by (Record 248): 58 Yeas, 86 Nays, 3 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Capelo; Chavez; Christian; Coleman; Danburg; Davis, Y.; Delisi; Deshotel; Dukes; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farrar; Flores; Gallego; Giddings; Gray; Gutierrez; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Keel; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Salinas; Solis; Telford; Thompson; Turner, S.; Uresti; Villarreal; Williams; Wilson; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Dunnam; Farabee; Garcia; George; Geren; Glaze; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Junell; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Pitts; Ramsay; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Tillery; Truitt; Turner, B.; Uher; Walker; West; Wise; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker; Noriega; Sadler(C).

Absent, Excused — Eiland; Hawley; Keffer.

STATEMENT OF VOTE

I was shown voting yes on Record No. 248. I intended to vote no.

Solis

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Junell requested permission for the conference committee on **SB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted without objection.

HB 2107 - (consideration continued)

Amendment No. 1 was withdrawn.

Representative S. Turner moved to postpone consideration of **HB 2107** until 10 a.m. Tuesday, May 8.

Representative Wolens offered a substitute motion to recommit **HB 2107** to the Committee on State Affairs.

Representative Williams moved to table the motion to recommit.

The motion to table prevailed.

The motion to postpone prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 1:45 p.m. today, speakers committee room.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolution was laid before the house and read second time:

**CSHJR 97 ON SECOND READING
(by Junell and J. Davis)**

CSHJR 97, A joint resolution proposing a constitutional amendment authorizing the issuance of general obligation bonds for construction and repair projects.

Amendment No. 1

Representative Junell offered the following amendment to **CSHJR 97**:

Amend **CSHJR 97** as follows:

(1) On page 1, line 9 (house committee printing), between "800 million" and te period, insert "and to enter into related credit agreements".

(2) On page 2, line 11 (house committee printing), between "during the fiscal year" and "is appropriated", insert "and to make payments that become due under a related credit agreement during the fiscal year".

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHJR 97, as amended, was adopted by (Record 249): 140 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Dutton; Uher.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Eiland; Hawley; Keffer.

Absent — Carter; Haggerty; Wohlgemuth.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 820 ON THIRD READING (by Giddings)

HB 820, A bill to be entitled An Act relating to the number of qualified businesses designated as enterprise projects in certain municipalities.

Amendment No. 1

Representative Giddings offered the following amendment to **HB 820**:

Amend **HB 820** on third reading in SECTION 2 of the bill, in added Section 2303.406(d), Government Code, by striking the first reference to "enterprise zone" and substituting "municipality".

Amendment No. 1 was adopted without objection.

HB 820, as amended, was passed.

HB 1902 ON THIRD READING**(by S. Turner)**

HB 1902, A bill to be entitled An Act relating to the re-creation of the system benefit fund as a dedicated account and to the use of the account.

HB 1902 was passed.

HB 2409 ON THIRD READING**(by Counts)**

HB 2409, A bill to be entitled An Act relating to restrictions on artificial recharge of the Edwards Aquifer.

HB 2409 was passed.

HB 2029 ON THIRD READING**(by Yarbrough, et al.)**

HB 2029, A bill to be entitled An Act relating to the application of the Texas Unemployment Compensation Act to employment by an Indian tribe.

A record vote was requested.

HB 2029 was passed by (Record 250): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Eiland; Hawley; Keffer.

Absent — Crownover; Gutierrez.

HB 2184 ON THIRD READING**(by Smith)**

HB 2184, A bill to be entitled An Act relating to the disposition of certain weapons seized as evidence in a criminal case.

HB 2184 was passed.

HB 2250 ON THIRD READING**(by Smith, Homer, Hill, Dunnam, Kitchen, et al.)**

HB 2250, A bill to be entitled An Act relating to certain criminal consequences of a previous intoxication manslaughter conviction.

HB 2250 was passed.

HB 2543 ON THIRD READING**(by Naishtat, S. Turner, et al.)**

HB 2543, A bill to be entitled An Act relating to the establishment of a pilot program to provide child-care intervention services for certain children with severe behavioral problems.

HB 2543 was passed.

HB 2769 ON THIRD READING**(by Solis, et al.)**

HB 2769, A bill to be entitled An Act relating to the scope of child care services funded by a local workforce development board.

HB 2769 was passed.

HB 2810 ON THIRD READING**(by Wolens)**

HB 2810, A bill to be entitled An Act relating to the application of statutes that classify political subdivisions according to population.

HB 2810 was passed.

HB 2811 ON THIRD READING**(by Wolens)**

HB 2811, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.

HB 2811 was passed.

HB 3333 ON THIRD READING**(by Woolley)**

HB 3333, A bill to be entitled An Act relating to permissible investments by deferred compensation plans for employees of political subdivisions.

HB 3333 was passed.

HB 2477 ON THIRD READING**(by Counts)**

HB 2477, A bill to be entitled An Act relating to the Garza County Health Care District.

HB 2477 was passed.

HB 3351 ON THIRD READING
(by Keffer, Homer, Clark, B. Turner, and Christian)

HB 3351, A bill to be entitled An Act relating to the regulation of immediate precursors and certain other chemicals used in the illicit manufacture of a controlled substance; providing penalties.

HB 3351 was passed.

HB 893 ON THIRD READING
(by Hinojosa, Coleman, et al.)

HB 893, A bill to be entitled An Act relating to an additional fee to support trauma centers to be collected when a motor vehicle is registered.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 893**:

Amend **HB 893** on third reading, by striking proposed Section 502.1711(c), Transportation Code, as added by Committee Amendment No. 1, and substituting the following:

(c) The county assessor-collector may retain an amount equal to not more than 10 percent of each fee collected under Subsection (a). The assessor-collector shall deposit any amount retained under this subsection in the county treasury to the credit of the general fund and shall petition the commissioners court for the amount necessary to administer this section. The commissioners court may allocate money deposited in the county treasury under this subsection that is not allocated to the assessor-collector to administer this section for general purposes of the county.

Amendment No. 1 was adopted without objection.

(Speaker pro tempore in the chair)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Heflin on motion of R. Lewis.

West on motion of R. Lewis.

HB 893 - (consideration continued)

A record vote was requested.

HB 893, as amended, was passed by (Record 251): 82 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Bailey; Bosse; Brimer; Brown, F.; Burnam; Capelo; Chavez; Christian; Coleman; Cook; Counts; Danburg; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Goodman; Gray; Green; Gutierrez; Haggerty; Hamric; Hartnett; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Kitchen; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon;

Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Rangel; Raymond; Reyna, A.; Sadler; Salinas; Solis; Thompson; Tillery; Turner, S.; Uresti; Williams; Wilson; Wise; Wolens; Yarbrough.

Nays — Averitt; Berman; Bonnen; Brown, B.; Callegari; Chisum; Clark; Corte; Crabb; Craddick; Crownover; Denny; Elkins; Geren; Goolsby; Grusendorf; Hardcastle; Hilbert; Hilderbran; Hill; Howard; Hupp; Isett; Keel; King, P.; King, T.; Kolkhorst; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Miller; Morrison; Mowery; Pickett; Pitts; Puente; Ramsay; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Turner, B.; Villarreal; Walker; Wohlgemuth; Woolley; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Eiland; Hawley; Keffer.

Absent, Excused, Committee Meeting — Heflin; West.

Absent — Carter; Delisi; Glaze; Krusee; Ritter; Telford.

STATEMENTS OF VOTE

When Record No. 251 was taken, I was in the house but away from my desk. I would have voted no.

Ritter

When Record No. 251 was taken, I was temporarily out of the house chamber. I would have voted no.

Telford

HB 2301 ON THIRD READING (by Craddick)

HB 2301, A bill to be entitled An Act relating to certain insurance coverage for school districts.

HB 2301 was passed.

HB 3558 ON THIRD READING (by Junell)

HB 3558, A bill to be entitled An Act relating to the sale, lease, and purchase of interests in real property for the permanent school fund.

HB 3558 was passed.

HB 2852 ON THIRD READING (by Junell)

HB 2852, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

HB 2852 was passed.

The speaker stated that **HB 2852** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

HB 1869 ON THIRD READING (by Wohlgemuth, Uresti, P. King, Averitt, Ehrhardt, et al.)

HB 1869, A bill to be entitled An Act relating to the acquisition of

manufactured homes through financing or other means and to persons associated with those acquisitions.

HB 1869 was passed.

HB 3458 ON THIRD READING
(by Brimer)

HB 3458, A bill to be entitled An Act relating to the operation of the Texas Workers' Compensation Insurance Fund as a domestic mutual insurance company and to the continuation of that entity as the Texas Mutual Insurance Company.

HB 3458 was passed.

HB 3603 ON THIRD READING
(by Capelo)

HB 3603, A bill to be entitled An Act relating to the paid leave and the return to duty for certain municipal peace officers and firefighters in certain circumstances.

HB 3603 was passed.

HB 1599 ON THIRD READING
(by Danburg, et al.)

HB 1599, A bill to be entitled An Act relating to certain procedures for counting and recounting voting system ballots.

HB 1599 was passed.

HB 3572 ON THIRD READING
(by George, Puente, E. Jones, et al.)

HB 3572, A bill to be entitled An Act relating to establishing an unrelated donor umbilical cord blood bank.

HB 3572 was passed.

HB 1187 ON THIRD READING
(by Olivo, Rangel, Chavez, Naishtat, and Shields)

HB 1187, A bill to be entitled An Act relating to the Parents as Scholars pilot program for certain recipients of temporary assistance for needy families.

HB 1187 was passed. (Howard recorded voting no)

HB 1006 ON THIRD READING
(by Naishtat)

HB 1006, A bill to be entitled An Act relating to exemptions and exceptions from work or employment activity requirements under the temporary assistance for needy families program.

HB 1006 was passed. (Craddick, Denny, Keel, Marchant, and Solomons recorded voting no)

HB 2153 ON THIRD READING
(by Averitt)

HB 2153, A bill to be entitled An Act relating to the directors and authority of the Texas Public Finance Authority.

HB 2153 was passed.

HB 2243 ON THIRD READING
(by Bosse)

HB 2243, A bill to be entitled An Act relating to the Vehicle Storage Facility Act.

HB 2243 was passed.

HB 2071 ON THIRD READING
(by Junell)

HB 2071, A bill to be entitled An Act relating to establishing a billing procedure to ensure that each state agency is billed for the cost of support services allocated to the agency under the statewide cost allocation plan.

HB 2071 was passed.

HB 3313 ON THIRD READING
(by Dunnam, et al.)

HB 3313, A bill to be entitled An Act relating to elementary class size limits in public schools.

Amendment No. 1

On behalf of Representatives Chisum and Crownover, Representative Dunnam offered the following amendment to **HB 3313**:

Amend **HB 3313** on third reading as follows:

(1) On page 1, strike lines 12-15 and substitute the following:

(2) more than two consecutive semesters, except that this limitation does not apply to:

(A) a school district in which the average daily attendance has increased by 10 percent or more in the preceding two-year period; or

(B) a school district with fewer than 1,000 students in average daily attendance.

(2) On page 2, strike lines 12-14

Amendment No. 1 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Gallego on motion of R. Lewis.

HB 3313 - (consideration continued)

A record vote was requested.

HB 3313, as amended, was passed by (Record 252): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Eiland; Hawley; Keffer.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Howard; Pitts.

HB 3312 ON THIRD READING (by Dunnam)

HB 3312, A bill to be entitled An Act relating to establishing a pilot program for state emergency medical dispatch resource centers.

HB 3312 was passed.

HB 3185 ON THIRD READING (by B. Turner, Ellis, S. Turner, Hopson, Geren, et al.)

HB 3185, A bill to be entitled An Act relating to certain personnel policies of the Texas Department of Criminal Justice.

HB 3185 was passed.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and tomorrow because of important business:

Sadler on motion of McReynolds.

HB 3590 ON THIRD READING (by Hunter)

HB 3590, A bill to be entitled An Act relating to establishing the Texas Fund for Geography Education to support geography education at public institutions of higher education.

A record vote was requested.

HB 3590 was passed by (Record 253): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Farrar; Goolsby; Green; Pitts; Solis.

STATEMENT OF VOTE

When Record No. 253 was taken, I was in the house but away from my desk. I would have voted yes.

Solis

HB 3671 ON THIRD READING (by Denny)

HB 3671, A bill to be entitled An Act relating to the creation of municipal courts of record in Trophy Club located in Tarrant and Denton counties.

A record vote was requested.

HB 3671 was passed by (Record 254): 140 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill;

Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Nay — Kolkhorst.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Wise.

STATEMENT OF VOTE

I was shown voting no on Record No. 254. I intended to vote yes.

Kolkhorst

HB 1697 ON THIRD READING (by Ellis)

HB 1697, A bill to be entitled An Act relating to the erection and maintenance of outdoor advertising by certain nonprofit organizations.

A record vote was requested.

HB 1697 was passed by (Record 255): 140 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Nay — Dutton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Garcia.

HB 2087 ON THIRD READING
(by Clark, Homer, and Keffer)

HB 2087, A bill to be entitled An Act relating to civil liability for the manufacture of methamphetamine.

HB 2087 was passed.

HB 2111 ON THIRD READING
(by Gallego)

HB 2111, A bill to be entitled An Act relating to the Office of Court Administration of the Texas Judicial System, the Judicial Committee on Information Technology, and the Texas Judicial Council.

HB 2111 was passed.

HB 2114 ON THIRD READING
(by Allen)

HB 2114, A bill to be entitled An Act relating to interment of a victim and an individual convicted of the murder of the victim in the same cemetery; providing a civil penalty.

HB 2114 was passed.

HB 2331 ON THIRD READING
(by Uresti and Menendez)

HB 2331, A bill to be entitled An Act relating to the suspension of certain alcoholic beverage licenses and permits for certain violations relating to minors.

A record vote was requested.

HB 2331 was passed by (Record 256): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller;

Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Burnam; Flores; Howard; Mowery; Wise; Yarbrough.

HB 2336 ON THIRD READING
(by Danburg, Denny, and Madden)

HB 2336, A bill to be entitled An Act relating to the distribution of federal funds made available to assist the state in the administration of elections.

A record vote was requested.

HB 2336 was passed by (Record 257): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Villarreal; Walker; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent, Excused, Committee Meeting — Gallego; Heflin; West.

Absent — Delisi; Garcia; Uresti; Wilson.

STATEMENTS OF VOTE

When Record No. 257 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

When Record No. 257 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

HB 2475 ON THIRD READING
(by Kolkhorst)

HB 2475, A bill to be entitled An Act relating to eligibility for a special license issued by the State Board of Veterinary Medical Examiners.

(Gallego, Heflin, and West now present)

A record vote was requested.

HB 2475 was passed by (Record 258): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

Absent — Flores; Hochberg; Luna; Wolens.

HB 2677 ON THIRD READING
(by Bailey and Edwards)

HB 2677, A bill to be entitled An Act relating to the right of certain municipalities to maintain local control over wages, hours, and other terms of employment of certain municipal employees.

HB 2677 was passed. (Heflin recorded voting no)

HB 150 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Telford moved to adopt the following rule governing floor consideration of **HB 150**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 2 p.m. on Saturday, May 5, 2001.

Section 2. During second reading and third reading consideration of the bill:

a. No proposed amendment, amendment to the amendment, or substitute amendment shall be eligible for consideration unless a completed amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk by any deadline imposed by this rule. The amendment packet by the TLC shall include the following:

1. amendment text;
2. a statewide map if any district changed by the amendment is located in more than one county and a separate map of each divided county in which any district is changed by the proposed amendment; and

3. the standard reports generated by the TLC's Redistricting Application (REDAPPL) that provide population, election, and geography analysis.

b. No proposed amendment, amendment to the amendment, or substitute amendment shall be eligible for consideration if any district in the amendment contains parts that are not contiguous.

c. No proposed amendment, amendment to the amendment, or substitute amendment shall be eligible for consideration if adoption of the amendment would result in any unassigned or overlapping geography in the state plan.

The motion prevailed without objection.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 795 ON THIRD READING (Talton, Hinojosa, Keel, B. Turner, Crabb, et al. - House Sponsors)

SB 795, A bill to be entitled An Act relating to the forfeiture of profits received from the sale of crime memorabilia.

SB 795 was passed.

SB 555 ON THIRD READING (Junell - House Sponsor)

SB 555, A bill to be entitled An Act relating to a college savings plan for qualified higher education expenses.

Amendment No. 1

Representative Christian offered the following amendment to **SB 555**:

Amend **SB 555** on third reading as follows:

(1) In SECTION 1 of the bill, in Subsection (a)(2) of added Section 54.702, Education Code, strike "institution or institutions to serve as plan manager" and substitute "institutions to serve as plan managers".

(2) In SECTION 1 of the bill, in Subsection (d) of added Section 54.702, Education Code, strike "the plan manager" and substitute "a plan manager".

(3) In SECTION 1 of the bill, in added Section 54.704, Education Code, strike "SELECTION OF FINANCIAL INSTITUTION AS PLAN MANAGER. (a) The board shall contract with one or more financial institutions to serve as plan manager" and substitute "SELECTION OF FINANCIAL INSTITUTIONS AS PLAN MANAGERS. (a) The board shall contract with more than one financial institution to serve as plan managers".

(4) In SECTION 1 of the bill, in Subsection (c) of added Section 54.704, Education Code, strike "shall select a plan manager or managers" and substitute "shall select the plan managers".

(5) In SECTION 1 of the bill, in Subsection (d) of added Section 54.704, Education Code, strike "The board may require" and substitute "The board shall require".

(6) In SECTION 1 of the bill, at the end of Subsection (d) of added Section 54.704, Education Code, add "To the extent permitted by federal law, the investment options shall include mutual funds, fixed annuities, variable annuities, and variable life insurance policies.".

(7) In SECTION 1 of the bill, in Subsection (b) of added Section 54.705, Education Code, strike "The plan manager shall make investments" and substitute "A plan manager shall make investments".

(8) In SECTION 1 of the bill, at the end of added Section 54.705, Education Code, add Subsection (d) to read as follows:

(d) A plan manager shall provide for any financial institution to market the plan on its behalf and to provide account services to an individual who opens or owns a savings trust account administered by the plan manager. A financial institution that markets the plan or provides account services under this subsection may charge a fee or commission for those services.

(9) In SECTION 1 of the bill, in Subsection (b) of added Section 54.707, Education Code, immediately after "plan manager", insert "selected by the individual".

(10) In SECTION 1 of the bill, in Subsection (a) of added Section 54.709, Education Code, strike "The plan manager" and substitute "A plan manager".

(11) In SECTION 1 of the bill, in Subsection (h) of added Section 54.709, Education Code, strike "The plan manager" and substitute "A plan manager".

(12) In SECTION 1 of the bill, in Subsection (b) of added Section 54.710, Education Code, strike "the plan manager" and substitute "a plan manager".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Christian offered the following amendment to **SB 555**:

Amend **SB 555** on third reading in SECTION 1 of the bill, in added Section 54.709, Education Code, by adding Subsection (i) to read as follows:

(i) Notwithstanding Subsection (b), if Section 529, Internal Revenue Code of 1986, as amended, is amended to permit an account owner to direct the investment of a contribution to or an account balance in a qualified State tuition program, the board in each subsequent plan manager contract shall

provide that each plan manager provide a savings trust account owner with the ability to direct the investment of a contribution to the account or the balance in the account among a wide variety of investment options.

Amendment No. 2 was adopted without objection.

A record vote was requested.

SB 555, as amended, was passed by (Record 259): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Hawley; Keffer; Sadler.

SB 1185 ON THIRD READING **(Dukes - House Sponsor)**

SB 1185, A bill to be entitled An Act relating to the construction of certain telecommunications facilities.

SB 1185 was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Coleman on motion of R. Lewis.

SB 1596 ON THIRD READING **(Rangel - House Sponsor)**

SB 1596, A bill to be entitled An Act relating to the establishment and operation of the Toward EXcellence, Access, & Success (TEXAS) grant II program.

SB 1596 was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 658 ON SECOND READING
(by Junell, Gallego, T. King, Raymond, et al.)**

CSHB 658, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

Amendment No. 1

Representative Junell offered the following amendment to **CSHB 658**:

Amend **CSHB 658** on page 2, line 9, by striking "\$15,120,000" and substituting "\$18,620,000".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSHB 658**:

Amend **CSHB 658** as follows:

(1) On page 5, line 3, strike "and".

(2) On page 5, line 5, strike the period at the end of the line and substitute the following:
: and

(15) The University of Texas M. D. Anderson Cancer Center, \$13,847,328 to construct a basic sciences research building.

Amendment No. 2 was adopted without objection.

CSHB 658, as amended, was passed to engrossment.

**HB 2190 ON SECOND READING
(by Junell)**

HB 2190, A bill to be entitled An Act relating to the establishment of debt issuance policies and guidelines by the Bond Review Board.

HB 2190 was passed to engrossment.

**CSSB 571 ON SECOND READING
(McReynolds, Christian, Flores, and Swinford - House Sponsors)**

CSSB 571, A bill to be entitled An Act relating to the "Go Texan" partner program and other programs and measures to promote Texas agriculture and agricultural products.

CSSB 571 was considered in lieu of **HB 1797**.

CSSB 571 was passed to third reading.

HB 1797 - LAID ON THE TABLE SUBJECT TO CALL

Representative Flores moved to lay **HB 1797** on the table subject to call.

The motion prevailed without objection.

CSHB 1923 ON SECOND READING**(by Brimer, Allen, Hupp, Geren, and Y. Davis, et al.)**

CSHB 1923, A bill to be entitled An Act relating to economic incentives to attract national horse racing events of national significance.

Representative Brimer moved to postpone consideration of **CSHB 1923** until 10 a.m. Tuesday, May 8.

The motion prevailed without objection.

CSHB 2262 ON SECOND READING**(by Danburg)**

CSHB 2262, A bill to be entitled An Act relating to certain requirements for membership on the governing board of certain state agencies.

Amendment No. 1

Representative Gray offered the following amendment to **CSHB 2262**:

Amend **CSHB 2262** by striking page 1, lines 23-24, and page 2, lines 1-2, and substituting the following:

SECTION 2. (a) Except as provided by this subsection, the change in law made by this Act applies to the appointment of a person as a member of a governing board subject to Chapter 57, Occupations Code, as added by this Act, on or after the effective date of this Act. The change in law made by this Act applies to the appointment of a member of the Texas Optometry Board on or after September 1, 2005.

Amendment No. 1 failed of adoption.

CSHB 2262 was passed to engrossment.

CSHB 2531 ON SECOND READING**(by Junell)**

CSHB 2531, A bill to be entitled An Act relating to tuition rates at public institutions of higher education.

Amendment No. 1

Representative Garcia offered the following amendment to **CSHB 2531**:

Amend **CSHB 2531** as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 54.051, Education Code, is amended by amending Subsection (c) and adding Subsection (o) to read as follows:

(2) On page 1, between lines 12 and 13, insert the following:

(o) Notwithstanding Subsection (m) or any other provision of this subchapter, an individual is entitled to pay tuition at the rate provided for a resident student until the individual establishes a residence outside this state if the individual resided with individual's parent, guardian, or conservator while attending a public or private high school in this state and:

(1) graduated from a public or private high school or received the equivalent of a high school diploma in this state;

(2) resided in this state for at least one year between the first day the person attended a public or private high school in this state and the date the person graduated from a public or private high school in this state or received the equivalent of a high school diploma; and

(3) registers as an entering student in an institution of higher education not earlier than the 2001 fall semester.

Amendment No. 1 was adopted without objection.

(Coleman now present)

CSHB 2531, as amended, was passed to engrossment. (Telford recorded voting no)

HB 2550 ON SECOND READING

(by Uher)

HB 2550, A bill to be entitled An Act relating to the application of the child support guidelines to certain children receiving social security old age benefits.

Amendment No. 1

Representative Uher offered the following amendment to **HB 2550**:

Amend **HB 2550** by striking page 1, lines 18-24 and page 2, lines 1-4, and substituting the following:

SECTION 2. This Act takes effect September 1, 2001, and applies to a child support order entered before, on, or after that date.

Amendment No. 1 was adopted without objection.

HB 2550, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

HB 2809 ON SECOND READING

(by Wolens)

HB 2809, A bill to be entitled An Act relating to statutory revision and statutory construction.

Representative Wolens moved to postpone consideration of **HB 2809** until 4:15 p.m. today.

The motion prevailed without objection.

CSHB 2691 ON SECOND READING

(by Madden and Danburg)

CSHB 2691, A bill to be entitled An Act relating to procedures for the electronic transfer of voter registration applications by certain voter registration agencies.

CSHB 2691 was passed to engrossment.

CSHB 3064 ON SECOND READING
(by Junell)

CSHB 3064, A bill to be entitled An Act relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain construction and repair projects.

CSHB 3064 was passed to engrossment.

HB 1566 ON SECOND READING
(by Morrison)

HB 1566, A bill to be entitled An Act relating to the authority of a governmental entity to take emergency possession of a child and to the services provided for the child.

Amendment No. 1 (Committee Amendment No. 1)

Representative Morrison offered the following committee amendment to **HB 1566**:

Amend **HB 1566**, on page 3, line 2, by striking "returning the child to the child's" and substituting "continuation of the child in the".

Amendment No. 1 was adopted without objection.

HB 1566, as amended, was passed to engrossment.

HB 2097 ON SECOND READING
(by Morrison, et al.)

HB 2097, A bill to be entitled An Act relating to prosecuting and punishing certain individuals who violate the civil rights of persons in custody or engage in sexual conduct with persons in custody.

HB 2097 was passed to engrossment.

CSHB 2312 ON SECOND READING
(by Bosse)

CSHB 2312, A bill to be entitled An Act relating to the resolution of certain contract claims against the state.

CSHB 2312 was passed to engrossment.

CSHB 2273 ON SECOND READING
(by Y. Davis)

CSHB 2273, A bill to be entitled An Act relating to the hours worked during a week by police officers in certain municipalities.

Amendment No. 1

Representative Y. Davis offered the following amendment to **CSHB 2273**:

Amend **CSHB 2273** on page 1, line 22, by striking "this section" and substituting "Subsection (f)(1)".

Amendment No. 1 was adopted without objection.

CSHB 2273, as amended, was passed to engrossment. (Berman, Delisi, and Hupp recorded voting no)

CSHB 2102 ON SECOND READING
(by Eiland and Seaman)

CSHB 2102, A bill to be entitled An Act relating to the determination of premium rates for certain lines of insurance.

Representative Seaman moved to postpone consideration of **CSHB 2102** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 2246 ON SECOND READING
(by Ellis and McReynolds)

CSHB 2246, A bill to be entitled An Act relating to the regulation of the purchase and sale of timber; providing a penalty.

CSHB 2246 was passed to engrossment.

HB 2053 ON SECOND READING
(by Clark)

HB 2053, A bill to be entitled An Act relating to municipal courts of record.

HB 2053 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Coleman on motion of R. Lewis.

Gallego on motion of R. Lewis.

West on motion of R. Lewis.

Junell on motion of R. Lewis.

(Speaker pro tempore in the chair)

CSHB 2033 ON SECOND READING
(by Pitts)

CSHB 2033, A bill to be entitled An Act relating to requiring notice to purchasers of real property located in a certificated service area of a utility service provider regarding the cost or availability of water or sewer service.

Amendment No. 1

Representative Pitts offered the following amendment to **CSHB 2033**:

Amend **CSHB 2033**, on page 2, line 2, immediately after "transfer of title to" by inserting "or from".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **CSHB 2033**:

Amend **CSHB 2033** as follows:

(1) On page 4, line 17, between "area" and "with", insert the following: "in the real property records of the county in which the service area is located and".

Amendment No. 2 was adopted without objection.

CSHB 2033, as amended, was passed to engrossment.

CSHB 1004 ON SECOND READING
(by Naishtat)

CSHB 1004, A bill to be entitled An Act relating to the work or employment activities required under the temporary assistance for needy families program.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSHB 1004**:

Amend **CSHB 1004** on page 1, line 17, by striking "any barrier that prevents" and substituting "barriers that prevent".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Naishtat offered the following amendment to **CSHB 1004**:

Amend **CSHB 1004** on page 3 by striking lines 4-15 and substituting the following:

(e) The commission, the Texas Department of Human Services, and the local workforce development boards shall perform agency and board duties related to requiring compliance with the work or employment activities requirements imposed by Section 31.012, Human Resources Code, in the least intrusive manner possible.

Amendment No. 2 was adopted without objection.

(Keffer now present)

CSHB 1004, as amended, was passed to engrossment.

CSHB 1031 ON SECOND READING
(by West)

CSHB 1031, A bill to be entitled An Act relating to electronically readable information on a driver's license or personal identification certificate; providing penalties.

Representative Allen moved to postpone consideration of **CSHB 1031** until 9 a.m. Tuesday, May 8.

The motion prevailed without objection.

CSHB 1707 ON SECOND READING
(by Keel, Janek, and Hopson)

CSHB 1707, A bill to be entitled An Act relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the

accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

Representative Keel moved to postpone consideration of **CSHB 1707** until 10 a.m. Thursday, May 3.

The motion prevailed without objection.

HB 1719 ON SECOND READING
(by Eiland)

HB 1719, A bill to be entitled An Act relating to prohibiting certain persons and entities from banning the use of recording devices during the delivery of a child.

Representative Gray moved to postpone consideration of **HB 1719** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 3040 ON SECOND READING
(by Geren)

CSHB 3040, A bill to be entitled An Act relating to air pollutant emissions permitting requirements for shipyard facilities.

CSHB 3040 was passed to engrossment.

CSHB 2987 ON SECOND READING
(by Deshotel, Luna, Allen, Dunnam, and Keel)

CSHB 2987, A bill to be entitled An Act relating to an exemption from sex offender registration for certain juvenile and adult offenders.

CSHB 2987 was passed to engrossment. (Heflin recorded voting no)

CSHB 2888 ON SECOND READING
(by Truitt, Sadler, Grusendorf, Brimer, Bonnen, et al.)

CSHB 2888, A bill to be entitled An Act relating to limitations on the issuance of tax-supported bonds by school districts.

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 2888**:

Amend **CSHB 2888** as follows:

(1) In SECTION 3 of the bill, strike "September 1, 2001" each place it appears (page 3, lines 19-21) and substitute "the effective date of this Act".

(2) Strike SECTION 4 of the bill (page 3, line 24) and substitute the following:

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

CSHB 2888, as amended, was passed to engrossment.

CSHB 3149 ON SECOND READING
(by Allen and B. Turner)

CSHB 3149, A bill to be entitled An Act relating to the collection and dissemination by the Texas Department of Public Safety of information relating to threats against peace officers.

Amendment No. 1

Representative Allen offered the following amendment to **CSHB 3149**:

Amend **CSHB 3149** as follows:

(1) On page 2, line 25 after the period insert the following: "Any rule adopted by the director under this section must comply with the provisions of Code of Federal Regulations, Title 28, Part 23 as it applies to criminal intelligence systems."

Amendment No. 1 was adopted without objection.

CSHB 3149, as amended, was passed to engrossment.

HB 3175 ON SECOND READING
(by Solis)

HB 3175, A bill to be entitled An Act relating to the candidacy of certain personnel in a prosecuting attorney's office or a city attorney's office in an election for judicial office.

Representative Telford moved to postpone consideration of **HB 3175** until 10 a.m. Monday, May 7.

The motion prevailed without objection.

CSHB 3294 ON SECOND READING
(by Wise, Swinford, Counts, Hinojosa, and Carter)

CSHB 3294, A bill to be entitled An Act relating to the provision of housing and related forms of assistance to residents of colonias and residents of other underserved regions of this state.

Amendment No. 1

Representative Wise offered the following amendment to **CSHB 3294**:

Amend **CSHB 3294** as follows:

(1) On page 8, line 21, between "subchapter" and the period, insert ", except that the department may not use federal community development block grant money authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) unless the money is specifically appropriated by the legislature for that purpose".

(2) On page 11, strike lines 21-23 and substitute the following:

(a-1) Each state fiscal year the department shall transfer at least \$3 million to the fund from money received under the federal HOME Investment Partnerships program established under Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. Section 12701 et seq.), from money in the housing trust fund, or from money appropriated by the legislature to the department. This subsection expires August 31, 2010.

Amendment No. 1 was adopted without objection.

CSHB 3294, as amended, was passed to engrossment. (Howard recorded voting no)

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

HB 2809 ON SECOND READING **(by Wolens)**

HB 2809, A bill to be entitled An Act relating to statutory revision and statutory construction.

HB 2809 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Wolens offered the following amendment to **HB 2809**:

Amend **HB 2809** as follows:

- (1) On page 4, strike lines 5-13.
- (2) On page 4, line 14, strike "(g)" and substitute "(f)".
- (3) On page 4, line 18, strike "(h)" and substitute "(g)".
- (4) On page 4, line 19, strike "(g)" and substitute "(f)".
- (5) On page 5, line 1, strike "(i)" and substitute "(h)".
- (6) On page 5, line 4, strike "(j)" and substitute "(i)".
- (7) On page 5, line 7, strike "(k)" and substitute "(j)".
- (8) On page 5, line 13, strike "(l)" and substitute "(k)".
- (9) On page 5, line 17, strike "(m)" and substitute "(l)".

Amendment No. 1 was adopted without objection.

HB 2809 — STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WILLIAMS: Mr. Wolens, just for purposes of legislative intent, I have a couple of questions that I wanted to ask you and make sure that we got this in the record. There's been some concerns expressed that this house bill would delegate some of the lawmaking authority, that the legislature has traditionally reserved, to the Texas Legislative Council. Is that the intent of this bill?

REPRESENTATIVE WOLENS: It is to let the Legislative Council redraft certain aspects of legislation that have nothing to do with the substance, that have only to do with rearranging sections—in the 11 items mentioned on page three.

WILLIAMS: Only nonsubstantive change.

WOLENS: Correct.

WILLIAMS: Okay.

WOLENS: I can go a step further. It is the most nonsubstantive of the nonsubstantive change. It is dealing only with numbers, commas, boilerplate language that may be inconsistent, as bills pass through the legislature,

become law, and signed into law, or become effective without the governor's signature in June. So, it is even one step removed from being nonsubstantive.

WILLIAMS: Okay, and another objection that has been raised is that, or a concern, I should say, is that citizens and attorneys should be able to rely on the same language in the law. There's nothing that's going to change that, is there, we'll still have the standard that we rely on, the plain, unambiguous language in the law, and that we look to legislative intent only where there's ambiguity?

WOLENS: Correct.

REMARKS ORDERED PRINTED

Representative Williams moved to print remarks by Representative Wolens and Representative Williams regarding **HB 2809**.

The motion prevailed without objection.

Amendment No. 2

Representative Hartnett offered the following amendment to **HB 2809**:

Amend **HB 2809** on page 4, line 20, between "Register" and the period, by inserting "and shall provide a copy of the notice to each member of the legislature".

Amendment No. 2 was adopted without objection.

HB 2809, as amended, was passed to engrossment. (Shields recorded voting no)

RULES SUSPENDED

Representative Kuempel moved to suspend the 5-day posting rule to allow the Committee on Environmental Regulation to consider **SB 1390**.

The motion prevailed without objection.

Representative Pickett moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider **SB 736**, **SB 1060**, **SB 1090**, and **SB 1091** at 7 a.m. Friday.

The motion prevailed without objection.

Representative Tillery moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **HB 783** and **HB 1849** at 9 a.m. tomorrow in E2.028.

The motion prevailed without objection.

Representative Dutton moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **HCR 246**.

The motion prevailed without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING

**AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, upon adjournment today, Desk 118, for a formal meeting, to consider **HB 140, HB 3699, SB 40, SB 837, SB 914, SB 1186, SB 1260, SB 1472, and SB 1595.**

Judicial Affairs, upon adjournment today, Desk 67, for a formal meeting, to consider **HB 3666.**

Urban Affairs, upon adjournment today, Desk 46, for a formal meeting, to consider **HB 1660 and SB 379.**

Agriculture and Livestock, upon adjournment today, Desk 108, for a formal meeting, to consider **SB 1175.**

Criminal Jurisprudence, 20 minutes after adjournment today, E2.028, for a formal meeting, to consider posted bills.

ADJOURNMENT

Representative Brimer moved that the house adjourn until 10 a.m. tomorrow in memory of John McMillan of Fort Worth.

The motion prevailed without objection.

The house accordingly, at 4:24, adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3697 (By Merritt), Relating to the municipal court of record for the City of Longview.

To Judicial Affairs.

HB 3698 (By Eiland), Relating to the powers and authority and the board of directors of the Clear Creek Drainage District of Galveston County.

To Natural Resources.

HB 3699 (By Ritter and Deshotel), Relating to the allocation of certain

funds for institutions within the Texas State University System.

To Higher Education.

HCR 262 (By Chisum), Urging federal and state reconsideration of the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner.

To State Recreational Resources.

HCR 264 (By Dukes), Directing TxDOT to release land originally obtained for State Highway 130 right-of-way to Travis County to use for transportation projects.

To Transportation.

HCR 267 (By T. King), Honoring the memory of Mary Nan West of San Antonio.

To Rules & Resolutions.

HCR 269 (By Pitts), Honoring N. B. "Buck" Jordan, Jr., on his retirement from the Waxahachie Chamber of Commerce.

To Rules & Resolutions.

HR 892 (By Kuempel and Krusee), Recognizing May 2001 as Tick-Borne Illness Awareness Month in the State of Texas.

To Rules & Resolutions.

HR 902 (By McReynolds), In memory of Don V. Hackney of Lufkin.

To Rules & Resolutions.

HR 905 (By West), In memory of Zachary Franco of Odessa.

To Rules & Resolutions.

HR 906 (By West), Congratulating Aubrey Jearl and Mary Kathryn McCalla Cunningham of Canton on their 40th wedding anniversary.

To Rules & Resolutions.

HR 907 (By Dukes), Congratulating Mamie Robinson of Pflugerville on her retirement as principal of L. L. Campbell Elementary School.

To Rules & Resolutions.

HR 912 (By Smith), Recognizing the AsiaTech@Austin 2001 Expo being held on May 14-18, 2001.

To Rules & Resolutions.

HR 914 (By Pitts), Honoring Kermit S. Bridges on assuming the position of president of Southwestern Assemblies of God University.

To Rules & Resolutions.

HR 915 (By E. Jones), In memory of Arthur A. Seeligson, Jr., of San Antonio.

To Rules & Resolutions.

SB 312 to Natural Resources.

SB 508 to State Affairs.

SB 638 to Criminal Jurisprudence.

SB 857 to Ways & Means.

SB 957 to Insurance.

SB 962 to Human Services.

SB 1002 to Land & Resource Management.

SB 1678 to Ways & Means.

SB 1690 to Ways & Means.

SB 1720 to Licensing & Administrative Procedures.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 40

HCR 252, HCR 259, HCR 261

Senate List No. 19

SB 54, SB 68, SB 98, SB 201, SB 276, SB 301, SB 335, SB 462, SB 519, SB 665, SB 718, SB 788, SB 884, SB 945, SB 966, SB 969, SB 1147, SB 1287, SCR 25, SCR 29

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 1, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 512 Duncan
Relating to the investment and management of the permanent school fund.

SB 819 Armbrister
Relating to regulation of the carrying of a handgun.

SB 980 Carona
Relating to the imposition by a municipality of a moratorium on property development in certain circumstances.

SB 1114 Brown, J. E. "Buster"
Relating to an exemption from the sales and use tax for taxable items used in the performance of a space flight contract.

SB 1224 Harris

Relating to occupations regulated by the Texas Commission on Private Security.

SB 1653 Bernsen

Relating to prohibition of disclosure of defense counsel's fee statements by liability insurers; providing a civil penalty.

SB 1689 Ellis, Rodney

Relating to the franchise tax.

SB 1815 Truan

Relating to establishing a loan program to assist communities that may be affected by federal military base closures.

SB 1825 Sibley

Relating to state energy policy and the creation, powers, and duties of the Texas Energy Policy Council.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, May 1, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 82 Gallego SPONSOR:Duncan

Relating to an exemption from sales and use taxes for certain taxable items sold by a qualified student organization affiliated with an institution of higher education.

HB 372 Gallego SPONSOR:Madla

Relating to voter eligibility in Maverick County Water Control and Improvement District No. 1.

HB 440 Madden SPONSOR:Wentworth

Relating to an uncontested election for a trustee of a library district.

HB 453 Swinford SPONSOR:Haywood

Relating to the creation of the Agriculture Policy Board.

HB 536 Thompson SPONSOR:Wentworth
Relating to the jurisdiction of a statutory probate court and other courts of record in certain matters.

HB 537 Thompson SPONSOR:Wentworth
Relating to the transfer of certain causes of action by a statutory probate court.

HB 538 Thompson SPONSOR:Wentworth
Relating to jurisdiction of statutory probate courts.

HB 630 Turner, Sylvester SPONSOR:Whitmire
Relating to the authority of a municipality to permit the use of unmarked automobiles by certain municipal code enforcement officers.

HB 642 Flores SPONSOR:Shapiro
Relating to documentation of motor vehicle ownership.

HB 666 Bailey SPONSOR:Lindsay
Relating to prohibiting municipal regulation of water and wastewater facilities in the unincorporated area of certain counties.

HB 924 Walker SPONSOR:Brown, J. E. "Buster"
Relating to the authority of a water district or water supply corporation to require the grant of an easement as a precondition of service.

HB 957 Burnam SPONSOR:Moncrief
Relating to fees for food service establishment permits.

HB 992 Hochberg SPONSOR:Sibley
Relating to circumstances under which a publisher or manufacturer of textbooks must maintain or arrange for a textbook depository in this state.
(COMMITTEE SUBSTITUTE)

HB 1083 Thompson SPONSOR:Brown, J. E. "Buster"
Relating to the effect of a bankruptcy proceeding on a durable power of attorney.

HB 1179 Wohlgemuth SPONSOR:Zaffirini
Relating to protective services for the elderly and disabled persons.

HB 1665 Alexander SPONSOR:Brown, J. E. "Buster"
Relating to the duties and authority of the Texas Motor Vehicle Board and to the regulation of the sale of motor vehicles.
(AMENDED)

SB 382 Gallegos
Relating to the powers and duties of the Texas Commission on Fire Protection.

SB 910 Shapiro
Relating to the regulation of aggregate quarries; providing for an administrative penalty.

SB 986 Duncan
Relating to allowing certain tax abatement agreements to provide for the recapture of lost ad valorem tax revenue if a property owner fails to comply with tax abatement agreement requirements regarding job creation or property value.

SB 1330 Brown, J. E. "Buster"

Relating to the submetering and allocation of water service in apartment houses, manufactured home rental communities, condominiums, and other multiple use facilities.

SB 1514 Lucio

Relating to the use of health care delivery networks to provide workers' compensation medical benefits to employees of the Texas Department of Transportation.

SB 1545 Duncan

Relating to the investment and use of the assets of certain endowment funds of certain institutions of higher education.

SB 1575 Gallegos

Relating to contracts with the Texas Department of Transportation for the removal of certain property from a state highway.

SB 1615 Armbrister

Relating to youth-related volunteer activity leave for state agency employees.

SB 1626 Armbrister

Relating to authorizing an environmental service fee at Southwest Texas State University.

SB 1728 Cain

Relating to payment sources for a school district's local share of debt service for which the district receives state assistance.

SB 1788 Bernsen

Relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Waterway and Navigation District and the merger of the Jefferson County Navigation District with that district.

SB 1799 Bernsen

Relating to the final report and abolishment of the Spindletop Centennial Celebration Commission.

Respectfully,

Betty King

Secretary of the Senate

Message No. 3**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Tuesday, May 1, 2001 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 14 Lewis, Glenn SPONSOR: Moncrief
Congratulating Christopher Smith on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 15 Lewis, Glenn SPONSOR: Moncrief
Congratulating Joe Scott on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 16 Lewis, Glenn SPONSOR: Moncrief
Congratulating Connie Griffin on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 17 Lewis, Glenn SPONSOR: Moncrief
Congratulating Brian S.Hussey on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 18 Lewis, Glenn SPONSOR: Moncrief
Congratulating Janet Moyer on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 19 Lewis, Glenn SPONSOR: Moncrief
Congratulating Iris Betancourt on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 20 Lewis, Glenn SPONSOR: Moncrief
Congratulating Willie Cormier on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 21 Lewis, Glenn SPONSOR: Moncrief
Congratulating Diana Worie on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 22 Lewis, Glenn SPONSOR: Moncrief
Congratulating Valorie Jones on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 23 Lewis, Glenn SPONSOR: Moncrief
Congratulating Margareth Santos on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 24 Lewis, Glenn SPONSOR: Moncrief
Congratulating James Bell on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 25 Lewis, Glenn SPONSOR: Moncrief
Congratulating Mildred Davis on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 26 Lewis, Glenn SPONSOR: Moncrief
Congratulating Tony Thomas on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 27 Lewis, Glenn SPONSOR: Moncrief
Congratulating Bryan Carter on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 28 Lewis, Glenn SPONSOR: Moncrief
Congratulating Michael Banta on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 51 Lewis, Glenn SPONSOR: Moncrief
Congratulating Sharon Williams on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 52 Lewis, Glenn SPONSOR: Moncrief
Congratulating Candria Morgan on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 53 Lewis, Glenn SPONSOR: Moncrief
Congratulating Leo Jones on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 54 Lewis, Glenn SPONSOR: Moncrief
Congratulating Arthurlyn Morgan on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 55 Lewis, Glenn SPONSOR: Moncrief
Congratulating Barbara Harvey on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 56 Lewis, Glenn SPONSOR: Moncrief
Congratulating Susan Vasser on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 57 Lewis, Glenn SPONSOR: Moncrief
Congratulating Lou Johnson on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 58 Lewis, Glenn SPONSOR: Moncrief
Congratulating Debra Borowy on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 59 Lewis, Glenn SPONSOR: Moncrief
Congratulating Ella Boyd on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 60 Lewis, Glenn SPONSOR: Moncrief
Congratulating Becky Richards on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 61 Lewis, Glenn SPONSOR: Moncrief
Congratulating Stephanie Carter on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 62 Lewis, Glenn SPONSOR: Moncrief
Congratulating Janet Azzarello on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 63 Lewis, Glenn SPONSOR: Moncrief
Congratulating Panzia Pullam-Brown on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 64 Lewis, Glenn SPONSOR: Moncrief
Congratulating Laura Garrison on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 65 Lewis, Glenn SPONSOR: Moncrief
Congratulating Angela Bryant on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 66 Lewis, Glenn SPONSOR: Moncrief
Congratulating Jacqueline Skinner on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 67 Lewis, Glenn SPONSOR: Moncrief
Congratulating Uri Wren on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 68 Lewis, Glenn SPONSOR: Moncrief
Congratulating Sharon Massey on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 69 Lewis, Glenn SPONSOR: Moncrief
Congratulating Sonya J.Manning on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 70 Lewis, Glenn SPONSOR: Moncrief
Congratulating Linda Pendergrass on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 71 Lewis, Glenn SPONSOR: Moncrief
Congratulating Esther Terry on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 72 Lewis, Glenn SPONSOR: Moncrief
Congratulating Deborah Huckaby on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 73 Lewis, Glenn SPONSOR: Moncrief
Congratulating Daryle Moffett on being named a Fort Worth Independent School District Outstanding Teacher.

HCR 146 Lewis, Glenn SPONSOR: Moncrief
Honoring Trinna Ashley as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 147 Lewis, Glenn SPONSOR: Moncrief
Honoring Gary Don Boswell as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 148 Lewis, Glenn SPONSOR: Moncrief
Honoring Ola C. Bradford as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 149 Lewis, Glenn SPONSOR: Moncrief
Honoring Tom E. Carter as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 150 Lewis, Glenn SPONSOR: Moncrief
Honoring Linda Edwards as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 151 Lewis, Glenn SPONSOR: Moncrief
Honoring Kimberly Estrada as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 152 Lewis, Glenn SPONSOR: Moncrief
Honoring Novella Langham as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 153 Lewis, Glenn SPONSOR: Moncrief
Honoring E. Cloye Largent as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 154 Lewis, Glenn SPONSOR: Moncrief
Honoring Betty Lewis as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 155 Lewis, Glenn SPONSOR: Moncrief
Honoring Arlene Manning as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 156 Lewis, Glenn SPONSOR: Moncrief
Honoring Janie Webb as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 157 Lewis, Glenn SPONSOR: Moncrief
Honoring Lisa White as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 158 Lewis, Glenn SPONSOR: Moncrief
Honoring Brenda F. Eddington as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 159 Lewis, Glenn SPONSOR: Moncrief
Honoring Patricia Donahue as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 160 Lewis, Glenn SPONSOR: Moncrief
Honoring Cletis Cabbil as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 161 Lewis, Glenn SPONSOR: Moncrief
Honoring Jennifer L. Collins as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 162 Lewis, Glenn SPONSOR: Moncrief
Honoring Norma Garza as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 163 Lewis, Glenn SPONSOR: Moncrief
Honoring Linda James as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 164 Lewis, Glenn SPONSOR: Moncrief
Honoring Robert Johnson as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 165 Lewis, Glenn SPONSOR: Moncrief
Honoring Kay M. Gray as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 166 Lewis, Glenn SPONSOR: Moncrief
Honoring Linda Searl-Inglehart as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 167 Lewis, Glenn SPONSOR: Moncrief
Honoring Kent R. Wooley as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 168 Lewis, Glenn SPONSOR: Moncrief
Honoring Jody Medcalf as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 169 Lewis, Glenn SPONSOR: Moncrief
Honoring Janice Pratt as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 170 Lewis, Glenn SPONSOR: Moncrief
Honoring Claudier Reece as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 171 Lewis, Glenn SPONSOR: Moncrief
Honoring Bertha Thomas-Jones as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 172 Lewis, Glenn SPONSOR: Moncrief
Honoring Freida Lee as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 173 Lewis, Glenn SPONSOR: Moncrief
Honoring Xavier LaTreace Bailey as an Outstanding Teacher of the Fort Worth Independent School District for 2001.

HCR 253 Delisi SPONSOR: Ratliff
In memory of Madge Anna Stewart Keeton of Austin.

HCR 266 Wise SPONSOR: Shapleigh
Posthumously conferring the Texas Legislative Medal of Honor on Master Sergeant Roy P. Benavidez.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 361 (viva-voce vote)

SB 399 (23 Yeas, 7 Nays, 1 Present Not Voting)

SB 743 (30 Yeas, 0 Nays, 1 Present Not Voting)

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, May 1, 2001 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 966 Naishtat SPONSOR: Zaffirini

Relating to requiring the Health and Human Services Commission to study ways to allow appropriated money to follow an individual who is leaving institutional care and will need community-based services.

(COMMITTEE SUBSTITUTE)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 304

Senate Conferees: Lucio - Chair/Armbrister/Fraser/Jackson/Madla

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 30

Agriculture & Livestock - **SB 1454**

Appropriations - **SB 609**

Business & Industry - **HB 327, SB 141, SB 453, SB 1318**

County Affairs - **HB 644, HB 2341, HB 3687, HB 3692, SB 647, SB 732, SB 874, SB 1158**

Criminal Jurisprudence - **HB 126, HB 558, HB 1028, HB 2042, HB 2063, HB 2317, HB 3114, HB 3613, SB 139, SB 515, SB 730**

Economic Development - **HB 1757, HB 3300**

Elections - **HB 3, HB 582, HB 1432, HB 1819, HB 2799, HB 3182, SB 1424**

Higher Education - **HB 3469**

Human Services - **SB 1238**

Insurance - **HB 955, HB 2019, HB 2620, HB 2830, HB 2831, HB 3630, SB 605, SB 994**

Land & Resource Management - **HB 2340, HB 3552, SB 725, SB 873**

Public Education - **HB 395, HB 704, HB 1330, HB 1438, HB 2143, HB 2240, HB 2879, HB 3167, HB 3463, SB 158, SB 826, SB 1196**

Public Health - **HB 2950, SB 832**

Public Safety - **HB 1121, HB 2204, SB 1325, SB 1380**

Redistricting - **HB 150**

State Affairs - **HB 2388**

Transportation - **HB 428, HB 1138, HB 1257, SB 113, SB 586, SB 614, SB 1078, SB 1563, SB 1162**

Ways & Means - **HB 1710, HB 2914**

ENGROSSED

April 30 - HB 178, HB 399, HB 740, HB 819, HB 1071, HB 1072, HB 1209, HB 1591, HB 1640, HB 1676, HB 1691, HB 1941, HB 2103, HB 2378, HB 3136

SENT TO THE GOVERNOR

April 30 - HB 120, HB 271, HB 477, HB 753, HB 1569, HB 1573, HB 1754, HCR 11

SIGNED BY THE GOVERNOR

April 30 - HB 831